



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

**VIA ECF**

October 20, 2021

The Honorable Denise L. Cote  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: A.D. v. Cuomo, 21 Civ. 5970 (DLC)

Dear Judge Cote:

This office represents the named Defendants in this action. On September 10, 2021, the Court scheduled a preliminary conference for October 22, 2021 (ECF No. 6). Since then, Defendants moved to dismiss (ECF Nos. 10 – 12) and a Rule 26(f) discovery plan was submitted (ECF No. 9) that the Court has not ruled on in which Defendants sought a stay of discovery pending their motion to dismiss. By Order dated October 8, 2021 (ECF No. 13), the Court granted permission to Plaintiff to submit a second amended complaint in light of Defendants' motion to dismiss and set a briefing schedule, but did not reschedule the October 22 conference. The conference on October 22 presents a scheduling conflict as I will be defending the deposition of a Board of Parole Commissioner that day in the putative class action Flores v. Stanford, 18 Civ. 2468 (S.D.N.Y.), which I am not in a position to reschedule at this time. It is respectfully requested that the October 22 conference be adjourned to a later date, either after the motion to dismiss is decided (if the Court stays discovery), or to the weeks of November 15 or November 22, during which I have general availability. On October 19, I contacted Plaintiff's counsel and asked for his position on adjourning the October 22 conference, but have not yet received a response. This is the first request of an adjournment of the date in question.

We thank the Court for its consideration in this matter.

Respectfully submitted,

/s/Jeb Harben

Jeb Harben, Assistant Attorney General  
(212) 416-6185  
jeb.harben@ag.ny.gov

cc: Plaintiff's Counsel (Via ECF)

*The conference is adjourned  
sine die. Prince Cote  
10/21/21*